IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO.4465 OF 2006

Date of decision : December 19, 2006

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Sanjay Kumar .....Petitioner

Vs.

Dakshin Haryana Bijli Vitran Nigam Ltd. .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE M.M.S BEDI

Present: Mr. Subhash Ahuja, Advocate for the petitioner(s).
Mr. Gaurav Mohunta, Advocate for the respondents.

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Viney Mittal, J. (Oral)

The petitioner has challenged the orders dated January 4, 2006 Annexure P-10 and the order dated January 23, 2006 Annexure P-11, whereby certain benefits granted to the petitioner earlier have been withdrawn.

Although aforesaid orders have been challenged on various grounds but during the course of arguments, learned counsel appearing for the petitioner has contended that before passing the aforesaid orders and withdrawing the benefits already granted to the petitioner neither any opportunity of hearing was granted to the petitioner nor any show cause notice was served upon him. Consequently, learned counsel says that the orders Annexure P-10 and P-11 are hit by the violation of principles of

natural justice.

Leaned counsel appearing for the respondents does not dispute the fact that before passing orders Annexures P-10 and P-11, neither any opportunity of hearing was granted to the petitioner nor any show cause notice was served upon him in this regard. However, Sh. Mohunta says that the benefits which were granted to the petitioner earlier were wrongly given and therefore, were withdrawn.

Without commenting upon the merits of the claim made by the parties, we find that the orders Annexures P-10 and P-11 have been passed by the competent authority without observing the principles of natural justice. The benefits once granted to the petitioners could not have been withdrawn without serving a show-cause notice upon him and without granting an opportunity of hearing to the petitioner at the first instance.

In this view of the matter, we allow the present petition and quash the orders Annexures P-10 and P-11 with a liberty to the respondents to pass a fresh order, if so advised, after serving a show cause notice upon the petitioner and seeking his explanation at the first instance.

Copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

December 19, 2006
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(M.M.S BEDI)
JUDGE